

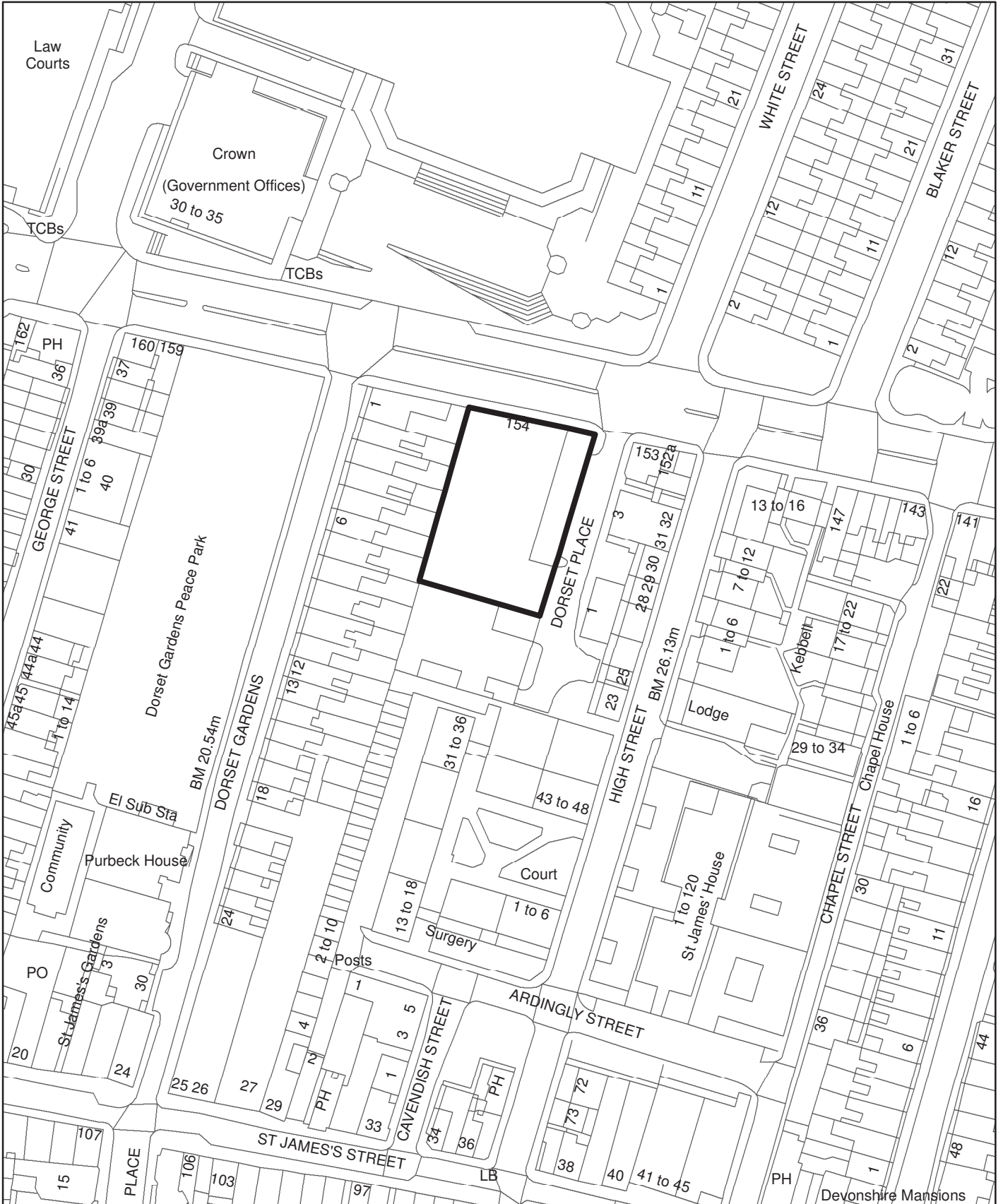
**PLANS LIST  
ITEM D**

**154-155 Edward Street, Brighton**

**BH2013/01318  
Full Planning**

**17 JULY 2013**

# BH2013/01318 154/155 Edward Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/01318</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>154 - 155 Edward Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from offices (B1) to education (D1).</b>		
<b><u>Officer:</u></b>	Jonathan Puplett Tel 292525	<b><u>Valid Date:</u></b>	26/04/2013
<b><u>Con Area:</u></b>	Adjoining East Cliff	<b><u>Expiry Date:</u></b>	26/07/2013
<b><u>Listed Building Grade:</u></b>	Adjoining Grade II		
<b><u>Agent:</u></b>	Lewis & Co Planning, 2 Port Hall Road Brighton		
<b><u>Applicant:</u></b>	University of Brighton, Mr Mike Clark Estate & Facilities Management c/o Lewis & Co Planning		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to the completion of a s106 planning legal agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a four storey office building with basement level situated on the southern side of Edward Street between Dorest Gardens to the West and the Dorset Place to the East. The application site is not within the East Cliff Conservation Area but shares a boundary with the conservation area to the western side of the site and is adjacent to the conservation area to the northern and eastern sides of the site. There are Grade II listed buildings in situ along Dorset Gardens to the West of the site and along High Street to the East of the site.
- 2.2 The building is a twentieth century construction, the planning history of the building suggests that its use has evolved over time since the 1960's and in the past may have included retail / showroom use. Large sections of tinted glazing to all side of the building are divided by bands of white painted render and a similar white painted render section / parapet tops the building. The building contrasts in scale and form with the largely traditional character of buildings in the immediate vicinity of the site, but is of a similar character to the large (American Express) office building sited on the northern side of Edward Street.
- 2.3 The basement level of the building contains a vehicular parking area accessed by a ramped entrance from Dorset Place, plant rooms and some office rooms. At ground floor level a covered outdoor area (undercroft) to the eastern side of the site provides vehicular parking spaces accessed from Dorset Place. Internally a lobby provides access to a reception area and office floorspace, the majority of which is open plan with some smaller rooms. To the western side of the building glazed doors provide access to a small outdoor area which shares its western boundary with the rear boundary of residential properties which front on to Dorset Gardens. The first second and third floors of the building have an 'L-shaped' footprint and, as at ground floor level, provide largely open plan

office accommodation with some small rooms. There is a large section of flat roof at first floor level upon which some items of external plant and machinery are sited.

### 3 RELEVANT HISTORY

**BH2008/01858:** Installation of mesh security fence and gate to parapet wall.

Approved 15/10/2008.

**94/1070/FP:** Proposed fire exit doorway. Approved 01/12/1994.

**85/33 F:** Continues use of the rear ground floor as offices without complying with Condition 2 of planning permission 70/1641 which restricted the office user to American Express. Approved 25/02/1985.

**70/1641:** Change of use of existing 3081 sq. ft. showroom to office accommodation. Approved 17/09/1970.

**69/620:** Change of use of existing first floor and basement retail showrooms to: 1<sup>st</sup> floor – offices; basement – offices and storage. Approved 16/05/1969.

**68/1041:** Change of use of ground floor shop to offices. Approved 11/06/1968

**67/948:** Use of second floor as general offices. Approved 08/06/1967.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the building from office (Use Class B1(a) to an educational use (Use Class D1). No external alterations to the building are proposed and no consent is sought for internal alterations to the building.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

**Neighbours:** No comments received.

5.2 **Environment Agency:** No comment.

5.3 **UK Power Networks:** No comment.

5.4 **East Sussex Fire and Rescue Service:** No comment.

5.5 **Southern Water:** Requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

5.6 **English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### Internal:

5.7 **Planning Policy:** Subject to the comments of the Economic Development Officer, it is considered that the proposed development could meet the requirements of Local Plan policy EM5 and the Overall aims of Brighton & Hove City Plan Part One (submission document) policies CP2, CP3 and DA5. Suitable cycle parking provision should be secured.

5.8 **Economic Development:** The senior economic development officer has no adverse comments to make but requests a contribution through a S106

agreement for the payment of £35,680 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the refurbishment of the building.

- 5.9 **Sustainable Transport:** The proposed use, in comparison to the existing office use, would result in an increase in trip generation. Therefore to address the requirements of policies TR1 and QD28 of the Brighton and Hove Local Plan a financial contribution towards sustainable transport infrastructure is required (£48,500) which can be secured by s106 planning legal agreement. Insufficient information has been submitted regarding the proposed provision of vehicular parking, disabled parking and cycle parking. Further details of these proposed measures are therefore requested.
- 5.10 **Environmental Health:** No comment.
- 5.11 **Heritage:** The application includes no proposals for external alterations, changes in parking provision or landscaping, therefore it is considered that the proposal for change of use from office to educational use will not have a significant impact on heritage assets.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable transport corridors and bus priority routes
TR8	Pedestrian routes
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD27	Protection of Amenity
QD28	Planning Obligations
EM5	Release of redundant office floorspace and conversions to other uses

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

#### Supplementary Planning Documents:

SPD01	Brighton Centre: Area Planning and Urban Design Framework
SPD03	Construction & Demolition Waste
SPD04	Edward Street Quarter
SPD05	Circus Street Municipal Market Site
SPD08	Sustainable Building Design

#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP3	Employment Land
DA5	Eastern Road and Edward Street Area

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use of the building, transport, neighbouring amenity and sustainability.

### 8.2 Principle of development:

The proposed development would result in a loss of a significant amount of office (Use Class B(1)a) and would introduce an education use (Use Class D1)



in association with The University of Brighton. The loss of office floorspace must be considered having regard to policy EM5 of the Brighton and Hove Local Plan which states that:

- 8.3 *Planning permission will not be granted for the change of use of offices premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.*

*Redundancy will be determined by considering the following factors:*

- a. the length of time the premises have been vacant; together with*
- b. the marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;*
- c. the prevailing vacancy rate for the size and type of office in Brighton & Hove;*
- d. the complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;*
- e. links to public transport; and f. the quality of the building.*

*If following consideration of the above criteria, the offices and / or the sites are regarded as genuinely redundant, preference will be given to:*

- alternative employment generating uses; followed by*
- affordable housing.*

- 8.4 The documentation submitted in support of the application details that from June 2010, when it was confirmed that the occupiers of the building (American Express) would be vacating, a 'soft' marketing approach commenced whereby the property agent contacted likely interested parties. This resulted in two viewings of the premises by potential occupants but no offers were made. Approximately seven weeks later American Express confirmed that they would in fact renew their lease for a minimum period of two years. American Express subsequently confirmed that they would vacate the building by July 2013, and actually vacated on the 25<sup>th</sup> of March 2013 (one month before the application for a change of use was submitted).
- 8.5 The owners of the building instructed on the 2<sup>nd</sup> of August 2013 that the property be marketed for sale of freehold at a price of £4,000,000. Formal active marketing of the property commenced at this time.
- 8.6 The marketing which took place is detailed, and it is recorded that 8 parties visited the property and four offers were received, two for student accommodation, one for educational purposes and another which may have

been for religious / educational purpose. It is stated that an offer of £4,000,000 for the purchase of the building by The University of Brighton was accepted on the 30<sup>th</sup> of November 2012.

- 8.7 In conclusion, it is stated that the building was fully and actively marketed for a period of four months up to the point of an offer being accepted. In addition to this four month period some 'soft' marketing seeking a tenant to continue the office use of the building took place from June 2010 onwards (although it transpired that American Express continued to occupy the building up until the 25<sup>th</sup> of March 2013).
- 8.8 The lack of interest from potential occupants and purchasers of the building for office use is cited by the applicants as demonstration that the office use of the building / site is redundant. In addition to this evidence of marketing, a refurbishment feasibility study was carried out which identified the following problems areas associated with the building in its current condition:
- A lack of prominent entrance on to Edward Street
  - Existing entrances are concealed and unwelcoming
  - Existing undercroft parking creates a dark entrance and encourages anti-social behaviour.
  - Lifts and stairs are concealed from the main entrance and are not welcoming.
  - The amount of deep plan and basement accommodation provides poor quality floor space with lack of natural daylight.
  - The close proximity of the western boundary to the ground floor accommodation results in a facade which is difficult to maintain.
  - Outdated services and toilet facilities.
  - Poor thermal performance of building envelope.
  - Dated appearance.
- 8.9 It is stated that the mechanical and electrical installations of the building are past their useful life and will cost at least £2,000,000 to replace.
- 8.10 In assessing the evidence of marketing submitted, it is not considered that a full and robust case for redundancy has been demonstrated. In general a period of 12 months active marketing of the building for its lawful office use would be considered a substantial period, and had an active strategy been employed in that time, with records of parties interested in the building for office use and the reasons why the building was deemed unsuitable submitted, such evidence may be considered a demonstration of redundancy. In this case full and active marketing of the building took place for a period of four months and it appears none of the parties who viewed the property were interesting in utilising the building for its lawful office use.
- 8.11 The issues and financial implications associated with bringing the building up to modern standards are noted and it is clear that such matters would act as a deterrent to future occupiers who may also be considering alternative premises which are of a more modern standard. None of the issues detailed are however particularly unusual, rather they are characteristic of an office building of this



age which has not undergone significant recent modernisation. Furthermore, if the building, given all of the issues associated with modernisation, is not considered a viable concern as an office use, it is not clear why the building would be considered viable for educational purposes.

- 8.12 Notwithstanding these inadequacies in the case for redundancy put forward, it is the case that the building was marketed for office use seeking tenants for some periods when it was known that American Express would vacate the building earlier than their eventual departure date, and on a freehold sale basis for a period of four months, and that during these periods no parties progressed an interest as potential occupiers / purchasers of the building in these periods.
- 8.13 This marketing and the problems associated with the building which have been detailed provide some evidence that the office of the building may be redundant. It is noted that the site is not located within the city's prime central office area as defined by policy SA2 of the Brighton & Hove City Plan Part One (submission document). In the current economic climate, in such cases it is considered that a flexible approach is warranted, and that whilst redundancy of the office use has not been fully demonstrated, the principle of acceptability of the proposed change of use should be considered having regard to all relevant current factors, the nature of the applicant and the nature of the use which is proposed.
- 8.14 The proposed use is for educational purposes, it is stated that the building could provide accommodation for 75 – 130 staff and up to 800 students. The proposed use is therefore employment generating and accords with the preferred alternative uses set out in policy EM5. Under legislation which came in to force on the 30<sup>th</sup> of May this year, Government has sought to facilitate the conversion of office accommodation to residential use without planning permission. In such circumstances, the fact that an employment generating use is proposed is welcome. Furthermore it is acknowledged that educational providers such as The University of Brighton make a significant contribution to the city and its economy, as set out in paragraph 1.19 of the Brighton & Hove City Plan Part One (submission document):
- 8.15 *'The two growing universities within the city host around 34,000 students and with high graduate/ post-graduate retention they make a substantial contribution to the economic, social and cultural life of the city. A study in 2010 concluded that the Universities inject more than £1bn into the UK economy and most (£976m) is spent in the city and South East. The Universities support 12,000 jobs (the majority of them in city) and provide 4,231 full time equivalent (FTE) jobs.'*
- 8.16 With Strategic Objective SO21 including the objective to:
- 'Assist in the long term planning of higher and further education establishments, and ensure that they play a full part in the city's economic, social and environmental development.'*

- 8.17 It is considered that the proposed educational use would contribute towards delivering the strategic objectives set out in the Brighton & Hove City Plan Part One (submission document).
- 8.18 Whilst the permission sought, if granted, would relate to the application property which could be utilised by any party wishing to enact an educational use, some weight is given to the fact that the intended (and most likely) initial occupant is the University of Brighton, and that the occupation of the building forms part of a wider strategy. The University is seeking to consolidate its teaching accommodation into linked campus facilities and the occupation of the application building, would as part of a wider strategy, facilitate the University vacating some smaller sites across the city which could in turn be utilised for alternative employment generating uses.
- 8.19 Therefore, whilst the circumstances and objectives of the applicant can only be given limited weight, the strategy of the University which is set out in the application submission is considered to accord with the strategic objectives set out in the Brighton & Hove City Plan Part One (submission document). A proposal to consolidate rather than expand University campus facilities would not threaten the objectives of the City Plan or the objectives set out in relation to the Eastern Road and Edward Street Area (policy DA5). It may also be the case that a long term owner / occupant such as the University of Brighton may in the future chose to modernise / improve the accommodation within the building, and the external appearance of the building which it is considered would be to the benefit of the city by way of improved employment floorspace, and improvements to the appearance of the building to the benefit of the street scene and the wider area.
- 8.20 Overall, taking into account all of the above factors, whilst the loss of the existing office use of the building would not normally be supported as the redundancy of this use has not been fully demonstrated, the particular circumstances of the application proposal and the nature of the applicant are given weight. The University of Brighton is considered to play a significant strategic role in the city and the Local Planning Authority is committed to assisting the long term objectives and planning of higher and further educational establishments in the city. The University of Brighton have set out that the occupation of the application building would facilitate enacting their intention to vacate other teaching sites across the city as part of a wider strategic approach which is supported by the Council. For these reasons, subject to a planning condition restricting the use of the building for education purposes to the University of Brighton only, the principle of the proposed change of use is considered to be acceptable in this case.

**Sustainable Transport:**

- 8.21 The Transport Officer has commented in detail on the proposed change of use. It has been calculated that the proposed use, in comparison to the existing office use, would result in a significant uplift in trip generation. It is therefore considered that in order to ensure that the proposed development would be compliant with policies TR1 and QD28 Brighton and Hove Local Plan, a financial contribution towards sustainable transport infrastructure in the vicinity

of the application site is required. The figure calculated in this regard, using established data and formulae, and having regard to the Council's adopted Technical Guidance in relation to Developer Contributions and the Council's adopted short-term recession measures is £48,496. Such a contribution would be secured through s106 planning legal agreement were a decision to approve planning permission be taken by the Planning Committee.

- 8.22 At present vehicular parking is available in the form of a basement level car park and 8 spaces situated in the undercroft area to the eastern side of the building. There are a small number of brackets for cycle parking in the basement car park. It is stated that 8 car parking spaces are proposed in addition to 4 disabled parking spaces, and cycle parking for 15 cycles. The proposed provision is considered to be acceptable, although ideally a greater provision of cycle parking would be proposed. Detailed layouts of the parking spaces as existing have not been submitted and details of the proposed parking layout and cycle parking provision have not been provided. It appears that student / visitor cycle parking could be provided below in the undercroft area along with some disabled parking provision and that any additional disabled parking provision and cycle parking could be accommodated in the basement car park area. It is considered that full details in regard to these matters and the implementation and retention of appropriate provisions can be secured by planning condition.

**Impact on Amenity:**

- 8.23 In comparison to the existing office use, it is considered that the proposed educational use, in principle, would not be likely to cause significantly increased harm to neighbouring amenity. The proposed use would be likely to involve significantly increased coming and goings, the site is however accessed from Edward Street which is a busy pedestrian and vehicular route.
- 8.24 Due to the number of students which it is proposed could be taught within the building at any one time, it is considered that groups of students arriving or departing, or congregating outside of the entrances to the building or in the vicinity of the building, represent a level of activity which could potentially cause significant noise and disturbance to neighbouring occupiers. Such noise and disturbance would be more likely to cause significant harm late at night or early in the morning when activity and noise levels would generally be lower.
- 8.25 For these reasons, it is considered reasonable and necessary for the Local Planning Authority to restrict the hours of operation of the school to ensure that such late night disturbance does not result. The applicant has been asked to confirm the proposed hours of operation of the educational use; this information has not to date been provided. In the absence of any information regarding the likely hours of operation of use, the Local Planning Authority considers that the following hours would be appropriate in this case:
- 08.00 - 22.00 Mondays to Saturdays
  - 09.00 - 20.00 on Sundays, Bank or Public Holidays.

- 8.26 It is considered necessary to secure a management plan for the proposed use, to ensure that students are informed and educated in regard to minimising impact upon neighbouring residents.
- 8.27 There is an outdoor space to the western side of building at ground floor level, and a large flat roof at first floor level. Were these outdoor areas to be utilised by students or staff such use could cause significant harm to the amenity of occupiers of the residential properties which back on to this side of the site. It is considered that these outdoor areas should not be used by staff and students (unless in an emergency or for maintenance purposes), and that their use should be restricted by planning condition.
- 8.28 It is acknowledged that the proposed use of the building would result in some overlooking of the neighbouring properties; this would however be the case in relation to the existing office use. The proposed change of use would not significantly worsen this situation.
- 8.29 The use of the application property by a large number of students (stated as up to 800) does cause some concern as students can cause obstruction and disturbance by congregating in numbers around the entrances and exterior of such facilities and the noise and smoking associated with such congregation. If students block the pavement this could result in increased safety risk for pedestrians. It is considered that such issues can be controlled by the educational provider establishing a management plan and enacting this plan in educating students in relation to such matters, and enforcing the measures set out in the management plan if required. Such a management plan, its implementation and review can be secured by planning condition.
- 8.30 Overall subject to the application of suitable planning conditions it is considered that the proposed use would not cause significant harm to neighbouring amenity.

**Environmental Sustainability:**

- 8.31 Policy SU2 of the Brighton and Hove Local Plan details that any development must demonstrate efficient use of energy water and materials. Supplementary Planning Document 08 on Sustainable Building Design also requires major applications for non-residential conversions to indicate no additional net annual CO2 emissions from new development, a reduction in water consumption and a minimisation of surface water run-off. Whilst consent is not sought for internal or external works, it does appear that a general refurbishment of the building is proposed and as part of such a programme of works it is likely that measures will be proposed which will significantly improve the efficiency of the building. It is considered that further details of such measures and their implementation could be secured by planning condition were approval to be recommended.

**Brighton and Hove Local Employment Scheme:**

- 8.32 In order to accord with the approach set out in the Council's adopted Technical Guidance in relation to Developer Contributions and address the objectives of Chapter 5 of the Brighton and Hove Local Plan and the Infrastructure Delivery Plan (Annexe Document) of the Brighton & Hove City Plan Part One (submission

document), the Economic Development Officer has confirmed that a financial contribution towards the Council's Local Employment Scheme, and a commitment to employ a percentage of local labour in any construction works which may be carried out, is required. The figure calculated in this regard, using established data and formulae, and having regard to the Council's adopted Technical Guidance in relation to Developer Contributions and the Council's adopted short-term recession measures is £35,680.

## 9 CONCLUSION

- 9.1 The proposed change of use from office to educational purposes is considered to be acceptable in this case. Subject to compliance with appropriate planning condition and the securing of contributions towards sustainable transport infrastructure and the Council's Local Employment Scheme by s106 planning legal agreement, the proposed change of use would not cause significant harm to neighbouring amenity, would address transport considerations, and is considered acceptable in all other regards. Approval is therefore recommended.

## 10 EQUALITIES

- 10.1 No changes to the entrances of the premises are proposed. The main entrance to the side of the building provides level access and a clearance width suitable for wheelchair users. There are two lifts within the building. A condition is recommended to ensure that disabled car parking facilities would be provided.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 S106

A Section 106 obligation to secure the following;

- A contribution of £48,496 towards Sustainable Transport Strategy prior to commencement of the development.
- A contribution of £35,680 towards the Brighton and Hove Local Employment.
- A commitment to using 20% local employment during refurbishment works.

### 11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
LOCATION PLAN	GPGE-O-MP-SL-0001		26/04/2013
BLOCK PLAN	GPGE-O-MP-SL-0002		26/04/2013
EXISTING BASEMENT FLOOR PLAN	GPGE-A-GA-0B-9001		26/04/2013
EXISTING GROUND FLOOR	GPGE-A-GA-0G-9001		26/04/2013



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PLAN			
EXISTING FIRST FLOOR PLAN	GPGE-A-GA-01-9001		26/04/2013
EXISTING SECOND FLOOR PLAN	GPGE-A-GA-02-9001		26/04/2013
EXISTING THIRD FLOOR PLAN	GPGE-A-GA-03-9001		26/04/2013
PROPOSED BASEMENT FLOOR PLAN	GPGE-A-GA-0B-9002		26/04/2013
PROPOSED GROUND FLOOR PLAN	GPGE-A-GA-0G-9002		26/04/2013
PROPOSED FIRST FLOOR PLAN	GPGE-A-GA-01-9002		26/04/2013
PROPOSED SECOND FLOOR PLAN	GPGE-A-GA-02-9002		26/04/2013
PROPOSED THIRD FLOOR PLAN	GPGE-A-GA-03-9002		26/04/2013

- 3) The D1 use hereby approved shall be for educational purposes only and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.  
**Reason:** The Local Planning Authority would wish to retain control over the use of the premises in order to protect the amenities of the area in accordance with policy QD27 in the Brighton & Hove Local Plan.
- 4) The educational use (Use Class D1) hereby approved development shall only be operated by the University of Brighton and by no other party. Should the occupation of the property by the University of Brighton for educational use cease, the use hereby permitted shall cease and the property shall be returned to its former office use (Use Class B1(a)).  
**Reason:** To enable the Local Planning Authority to retain control of the use; the development hereby approved is considered to be acceptable on the basis that significant weight is given to the particular circumstances of the application proposal and the nature of the applicant.
- 5) The use hereby permitted shall not be open except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09.00 and 20.00 on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) Access to the he outdoor space at ground floor level to the western side of the property and the flat roofs of the building shall be for maintenance or emergency purposes only.



**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 7) The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

### 11.3 Pre-Commencement Conditions:

- 1) Prior to the commencement of the use hereby approved a site management plan is to be submitted to and approved in writing by the Local Planning Authority. The management plan should include details for dealing with the arrival and departure of students for classes, congregation of students directly outside the building, the use of the accesses to the building. The management plan shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 2) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

- 3) The development hereby permitted shall not be commenced until details of disabled car parking provision for the staff and students of, and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. This provision shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure a sufficient provision of disabled car parking provision and to comply with policies TR1 and TR18 of the Brighton & Hove Local Plan.

- 4) The development hereby permitted shall not be commenced until details of sustainability measures to ensure efficient use of energy, water and materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.4 Post-Occupation Conditions:

- 1) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:-
  - (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
  - (ii) A commitment to reduce carbon emissions associated with business and commuter travel
  - (iii) Increase awareness of and improve road safety and personal security
  - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses
  - (v) Identify targets focussed on reductions in the level of business and commuter car use
  - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate.
  - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets
  - (viii) Identify a nominated member of staff or post to act as Travel Plan Coordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

**Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

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The proposed change of use from office to educational purposes is considered to be acceptable in this case. Subject to compliance with appropriate planning conditions and the securing of contributions towards sustainable transport infrastructure and the Brighton and Hove Local Employment Scheme by s106 planning legal agreement, the proposed change of use would not cause significant harm to neighbouring amenity, would address transport considerations, and is considered acceptable in all other regards.

3. The permission hereby granted relates to change of use only and does not permit any external alterations or installation of external plant and machinery which may require separate planning permission.
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service any new connections to the public sewerage system, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

